

Court of Appeals, State of Michigan

ORDER

Bolton Conductive Systems LLC v Jeff Trauben

Docket No. 275552

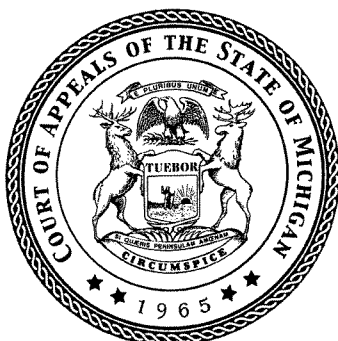
L. Ct. No. 2006-074535-CZ

Bill Schuette
Presiding Judge

Richard A. Bandstra

Patrick M. Meter
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED for lack of merit. Contrary to plaintiff's argument, the June 14, 2006, the July 6, 2006, and the August 16, 2006 orders disposed of all the claims and adjudicated the rights and liabilities of the parties. To illustrate, the June 2006 order disposed of plaintiff's declaratory judgment/specific performance claims, Ladd's declaratory judgment, and Freidman's claim for a brokerage fee. The parties then disposed of plaintiff's intentional tort claim, the counterclaim, and all cross-claims in July 2006 by voluntarily dismissing them. Thus, the circuit court disposed of the last claim in August 2006 when it determined that plaintiff owed the brokerage fee to Friedman. *Children's Hosp v Auto Club Ins Ass'n*, 450 Mich 670, 677; 545 NW2d 592 (1996). When appellant failed to file its claim of appeal within 21 days of the entry of the order denying its timely motion for reconsideration, this Court lost jurisdiction to hear an appeal of right. MCR 7.204(A), *Baitinger v Brisson*, 230 Mich App 112, 116; 583 NW2d 481 (1998). The circuit court's declaration that the December 20, 2006 order was the final order instead of the August 2006 order was ineffective since neither the parties nor the circuit court may give this Court where none exists. *Bowie v Arder*, 441 Mich 23, 56; 490 NW2d 568 (1992).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 17 2007

Date

Sandra Schultz Mengel

Chief Clerk